

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PTO TRANSMITTAL FORM

JAN 08 2002

(to be used for all correspondence after initial filing)

| | |
|------------------------|-----------------|
| Application Number | 09/867,963 |
| Filing Date | May 29, 2001 |
| First Named Inventor | Hammock, Bruce |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 023070-113800US |

Total Number of Pages in This Submission

1

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/
Incomplete Application

☒ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☒ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

Petition Under 37 C.F.R. §1.53(e)(2) (2
pgs. + 1 copy); Copy of USPTO date-
stamped Return Mailroom Postcard (1
pg.); Copy of Application Transmittal dated
May 29, 2001 (1 pg.); Copy of 9 (nine)
sheets of drawings as filed on May 29,
2001; Two executed PTO/SB/01A
Declarations (3 pgs.) for Utility Application
Using Data Sheet (3 pgs.); Copy of Notice
of Incomplete Nonprovisional Application
(2 pgs.); One Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to
Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

RECEIVED

Firm
and
Individual name

Townsend and Townsend and Crew LLP

Kevin Bastian

Reg. No. 34,774

JAN 09 2002

Signature

Kevin Bastian

OFFICE OF PETITIONS

Date

October 18, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Petitions, Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: October 18, 2001

Typed or printed name

Jill R. Clarke

Signature

Jill R. Clarke

Date

October 18, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

Please type a plus sign (+) inside the



JAN 08 2002

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 2307O138000

First Inventor

HAMMOCK ET AL.

Title

DIHYDROXY UNSATURATED FATTY ACID LEVELS AS
DIAGNOSTIC MARKERS

Express Mail Label No.

EL 827 036 102 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 45]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) [Total Sheets 9]
5. Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper number of pages
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: ____ / ____

Prior application information: Examiner

Group Art Unit: ____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

20350

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Kevin Bastian

Registration No. (Attorney/Agent)

34,774

Signature

Date

May 29, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.
SF 1229741 v1

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OFFICE OF PETITIONS

FEE TRANSMITTAL for FY 2001

JAN 08 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 250

Complete if Known

Application Number 09/867,963
 Filing Date May 29, 2001
 First Named Inventor Hammock, Bruce
 Examiner Name
 Group Art Unit
 Attorney Docket No. 023070-113800US

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METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20** | X | | |
| Independent Claims | -3** | X | |
| Multiple Dependent | X | | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|--|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | 65 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | 55 |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) Petition Under 37 CFR 1.53(e)(2) | | | | | 130 |

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$250)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Kevin Bastian Registration No. (Attorney/Agent) 34,774 Telephone 415-576-0200
 Signature Date October 18, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | | | | | |
|---|-----------------------------------|--|--------------|-----------|---|---|----|---|---|---|---|
| 1 Date of Request: <u>1/11/02</u> | | 2 Serial/Patent # <u>09/867,963</u> | | | | | | | | | |
| 3 Please refund the following fee(s): | | 4 PAPER NUMBER | 5 DATE FILED | 6 AMOUNT | | | | | | | |
| | Filing | | | \$ | | | | | | | |
| | Amendment | | | \$ | | | | | | | |
| | Extension of Time | | | \$ | | | | | | | |
| | Notice of Appeal/Appeal | | | \$ | | | | | | | |
| ✓ | Petition | 3 | 1/8/02 | \$ 130.00 | | | | | | | |
| | Issue | | | \$ | | | | | | | |
| | Cert of Correction/Terminal Disc. | | | \$ | | | | | | | |
| | Maintenance | | | \$ | | | | | | | |
| | Assignment | | | \$ | | | | | | | |
| | Other | | | \$ | | | | | | | |
| | | 7 TOTAL AMOUNT OF REFUND | | \$ | | | | | | | |
| | | 8 TO BE REFUNDED BY: | | | | | | | | | |
| | | <input checked="" type="checkbox"/> Treasury Check <input checked="" type="checkbox"/> Credit Deposit A/C #: | | | | | | | | | |
| 10 REASON: | | 9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td style="width: 20px;">2</td> <td style="width: 20px;">0</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">3</td> <td style="width: 20px;">0</td> </tr> </table> | | | 2 | 0 | -- | 1 | 4 | 3 | 0 |
| 2 | 0 | -- | 1 | 4 | 3 | 0 | | | | | |
| | Overpayment | | | | | | | | | | |
| | Duplicate Payment | | | | | | | | | | |
| ✓ | No Fee Due (Explanation): | | | | | | | | | | |
| drawings included | | | | | | | | | | | |
| | | | | | | | | | | | |
| 11 REFUND REQUESTED BY: | | | | | | | | | | | |
| TYPED/PRINTED NAME: <u>PATRICIA FARSON-BALL</u> | | TITLE: <u>Petitions Att'y</u> | | | | | | | | | |
| SIGNATURE: <u>Patricia Farson Ball</u> | | PHONE: <u>703 305 4497</u> | | | | | | | | | |
| OFFICE: <u>petitions</u> | | | | | | | | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** | | | | | | | | | | | |
| APPROVED: <u>Anna Kelly</u> | | DATE: <u>2-14-02</u> | | | | | | | | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

PATENT

Attorney Docket No.: 023070-113800US

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Attention: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231 on October 18, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Jill R. Clarke
Jill R. Clarke



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
HAMMOCK

Application No.: 09/867,963

PETITION UNDER 37 C.F.R. §1.53(e)(2)

Filed: May 29, 2001

For: DIHYDROXY UNSATURATED FATTY
ACID LEVELS AS DIAGNOSTIC MARKERS

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

In response to a Notice of Incomplete Nonprovisional Application mailed on July 27, 2001, applicant's attorney hereby petitions the Assistant Commissioner for Patents under 37 C.F.R. §1.53(e)(2) in the above-referenced application. Please charge Deposit Account No. 20-1430 in the amount of \$130 (37 C.F.R. 1.17 §1.17(h)) for the Petition Fee.

As evidenced by the U.S. Patent and Trademark Office mailroom's date-stamp on the enclosed photocopy of a return mailroom postcard, nine (9) sheets of drawings were received by the U.S. Patent and Trademark Office on May 29, 2001, for the above-identified patent application. Applicant's attorney provides a copy of the application transmittal and the nine (9) sheets of drawings that were filed with the U.S. Patent and Trademark Office on May 29, 2001. Applicant's attorney hereby petitions that the above-identified application be dated a filing date of May 29, 2001, and requests a refund of the Petition fee.


01/09/2002 CNGUYEN 00000048 201430 09867963

01 FC:122 130.00 CH

09867963
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DATE: 01/09/2002
CNGUYEN 00000048 201430
130.00 CH
01 FC:122

Please charge Deposit Account No. 20-1430 in the amount of \$130 (37 C.F.R. 1.17 §1.17(h)) for the petition fee, if necessary. Applicant petitions that the above-identified application be granted a filing date of May 29, 2001, and requests a refund of the Petition fee.

Respectfully submitted,


Kevin L. Bastian
Reg. No. 34,774

Customer No. 20350
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200 Fax: (415) 576-0300

SF 1282811 v1

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EXPRESS MAIL LABEL NO. EL 827 036 102 US

BOX PATENT APPLICATION

FILING ACKNOWLEDGMENT- NONPROVISIONAL PATENT APPLICATION

Mailing Date: 05/29/01 File No.: 023070138000US Attorney: KLB/jrc
Inventor(s): HAMMOCK ET AL. -11380045
Title: DIHYDROXY UNSATURATED FATTY ACID LEVELS AS DIAGNOSTIC MARKERS

| | | | |
|---------------------------------|----|---|------------------------------|
| No. Pages of Description: | 42 | X | Return Postcard (this one) |
| No. Pages of Claims: | 1 | X | PTO/SB/17 Fee Transmittal |
| No. Pages of Abstract: | 1 | X | PTO/SB/05 Appln. Transmittal |
| No. Sheets of Drawings: | 9 | X | Application Data Sheet |
| No. Pgs of Sequence Listing: | | | |
| Authorization to Charge Deposit | | | |
| Account No. 20-1430 | | | |



Please stamp the date of receipt of the enclosed documents and return this card to addressee

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OFFICE OF PETITIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/867,963 | 05/29/2001 | Bruce Hammock | 23070138000 |

CONFIRMATION NO. 9763

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



OC000000006351171

Date Mailed: 07/27/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

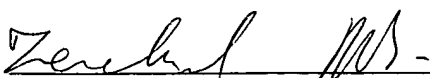
The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

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OFFICE OF PETITIONS

PART 2 - COPY TO BE RETURNED WITH RESPONSE